

REMARKS

Review and reconsideration on the merits are requested.

With respect to the restriction requirement, Applicants elect the claims of Group II, claims 2-6, drawn to a catalyst per se, **with partial traverse**.

Specifically, claim 1 is a product-by-process claim. It is well settled that product-by-process claims are considered and examined as true product claims, i.e., here catalyst claims.

Accordingly, claim 1 is not directed to a process for preparing a catalyst, claim 1 is directed to a catalyst which happens to be prepared by a certain process.

Claims 1 and 2-6 are properly examined together, and modification of the restriction requirement to the above extent is requested.

The claims are modified as follows.

Claims 1 and 2 are not changed.

Claim 3 is made to be dependent only from claim 1.

New claim 15 corresponds to claim 3 but is dependent only from claim 2.

Claim 4 depends only from claim 3.

New claim 16 is the same as claim 4 but depends from new claim 15.

Claim 5 is rewritten as claim 17 and depends from claims 1, 2, 3, 4, 15 or 16.

Claim 6 is canceled and added as new claim 18 and is dependent from claim 3 and claim 15.

New claim 19 corresponds to claim 6 but is dependent from claim 4 and claim 16.

New claim 20 is the same as claim 6 but is dependent only from claim 5.

AMENDMENT PRIOR TO FIRST ACTION/RESPONSE TO RESTRICTION

Application No.: 10/585,109

Attorney Docket No.: Q95810

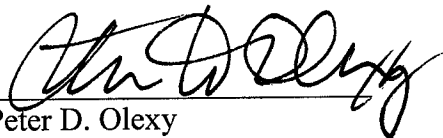
Claims 5 and 6 are canceled and rewritten near the end of the claims so that the new grouping of claims is easier to understand.

All claims which are not withdrawn, and this includes claim 1, read on the elected invention. Claims which do not read on the elected invention would include claims 7-14.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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